



Board of Adjustment

Special Study Session

DAY & DATE: Wednesday May 7, 2003
TIME: 5:00 PM
LOCATION: Kiva Conference Room
3939 N. Drinkwater Boulevard, City Hall

Interested parties are invited to observe Study Sessions, although discussion is limited to the participation of Board Members and City staff. Public comment is reserved for the Regular Meeting.

ROLL CALL

DISCUSSION ITEMS

1. Discussion of new City policy to place a brief description of board candidates on the official City Internet website.
2. Board update and discussion of changes to the City Zoning Ordinance.

ADJOURNMENT



Board of Adjustment

Executive Session

DAY & DATE: Wednesday May 7, 2003
TIME: 5:30 pm.
LOCATION: Kiva Conference Room
3939 N. Drinkwater Boulevard, City Hall

CALL TO ORDER

DISCUSSION ITEMS

Note: Pursuant to A.R.S. § 38-431.03 (A) (3), the Board may meet for discussion and consultation with the City Attorney for legal advice in an Executive Session, regarding any of the items set forth on the Regular Meeting agenda. The Board may meet before, during or after the Regular Meeting on these items, or during or after a Special Study Session.

ADJOURNMENT



Board of Adjustment

Regular Hearing

DAY & DATE: Wednesday May 7, 2003
TIME: 6:00 PM
LOCATION: Kiva Conference Room
3939 N. Drinkwater Boulevard, City Hall

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. January 8, 2003

REGULAR AGENDA

2. **3-BA-2003 (Scott Property)**, Evans Kuhn & Associates Inc, applicant, Sherwin Scott, owner, an appeal of the Zoning Administrator's interpretation dated February 26, 2003 relative to the construction of a driveway on undeveloped properties zoned R1-190 ESL at 41114 and 41414 N Brangus Road. **Staff contact person is Keith Niederer, 480-312-4211. Applicant contact person is John Gray, 602-241-0782.**

ADJOURNMENT

Serving on the Board of Adjustment are James Vail, Chairman; Terry Kuhstoss, Vice Chairman; Jennifer Goralski, Carol Perica, Norman Sands, Neal Waldman, Laurel Walsh, Commissioners.



Persons with a disability may request reasonable accommodation, such as a sign language interpreter, the City Clerk's Office at 480-312-2414. Requests should be made as early as possible to allow time to arrange accommodation.

SCOTTSDALE BOARD OF ADJUSTMENT
City Hall Kiva
3939 N. Drinkwater Boulevard
Scottsdale, Arizona
Wednesday, January 8, 2003
DRAFT MINUTES

PRESENT: Laurel Walsh, Chairman
James Vail, Vice Chairman
Jennifer Goralski, Board Member
Terry Kuhstoss, Board Member
Carol Perica, Board Member
Norman Sands, Board Member
Wendy Springborn-Pitman, Board Member

STAFF: Kurt Jones
Keith Niederer
Janis Villalpando

CALL TO ORDER:

CHAIRMAN WALSH called the regular meeting of the Scottsdale Board of Adjustment to order at 6:00 p.m.

ROLL CALL:

A formal roll call confirmed all members present as stated above.

APPROVAL OF MINUTES:

December 4, 2002 Board of Adjustment Regular Hearing Minutes

BOARD MEMBER SPRINGBORN-PITMAN requested an addition to the December 4, 2002 minutes. She noted that although absent from that meeting, she felt it necessary to state that she had a conflict of interest relative to action item 11-BA-2002.

BOARD MEMBER KUHSTOSS MOVED TO APPROVE THE MINUTES AS AMENDED. BOARD MEMBER GORALSKI SECONDED THE MOTION. THE MINUTES WERE APPROVED, WITH THE ADDITION AS REQUESTED BY BOARD MEMBER SPRINGBORN-PITMAN, BY A VOTE OF SEVEN (7) TO ZERO (0).

ELECTION OF CHAIR AND VICE-CHAIR

BOARD MEMBER SPRINGBORN-PITMAN NOMINATED VICE-CHAIR VAIL TO THE OFFICE OF CHAIRMAN OF THE BOARD OF ADJUSTMENT. BOARD MEMBER SANDS SECONDED THE MOTION. CHAIRMAN WALSH CALLED FOR THE VOTE. ELECTION OF BOARD MEMBER VAIL AS CHAIRMAN WAS UNANIMOUS BY A VOTE OF SEVEN (7) TO ZERO (0).

CHAIRMAN-ELECT VAIL NOMINATED BOARD MEMBER KUHSTOSS TO THE OFFICE OF VICE-CHAIR. CHAIR WALSH SECONDED THE MOTION. ELECTION OF BOARD MEMBER KUHSTOSS AS VICE-CHAIR WAS UNANIMOUS BY A VOTE OF (7) TO ZERO (0).

CHAIRMAN WALSH turned the meeting over to **CHAIRMAN-ELECT VAIL**.

ACTION ITEMS

12-BA-2002: - (Waxman / Morrison Residence Variance) – request by Steve Waxman & Marcia Morrison, applicants/owners, for a variance to allow an eight (8) foot front yard setback along 64th Street in lieu of the required 30 foot setback. The property is located at 6402 E. Calle del Paisano.

STAFF COORDINATOR IS: Keith Niederer, 480-312-4211

CHAIRMAN VAIL explained the function of the Board of Adjustment and the constraints placed upon the Board by State law. He also explained the format for applicant testimony and public comment.

MR. NIEDERER presented the case per the staff packet. He pointed out that the typical width for a residential street is 46 feet, and that Sixty-Fourth Street is 80 feet wide. He explained that in 1958 when the area was platted, it was thought that Sixty-Fourth Street would be a collector street, which would cross the canal to Camelback. To date, this has not occurred. Mr. Neiderer stated that he has received no calls in opposition to the case and one call in support. Mr. Niederer addressed Board Member questions.

BOARD MEMBER PERICA inquired as to other variances granted in the area. Mr. Neiderer replied that, to his knowledge, there were none.

MR. JONES clarified that Sixty-Fourth Street in the subject area is in the City of Phoenix and thus under Phoenix's jurisdiction. He stated that he was not aware of any plans that would affect the current status of Sixty-Fourth Street; however, noted that there was no assurance of that from the City of Phoenix.

MS. MORRISON AND MR. WAXMAN addressed the Board and provided some historical background of the neighborhood. Ms. Morrison noted that their home was built in 1958 as a three-bedroom ranch style home, and that they wished to

remodel their home in keeping with similar improvements to neighboring homes. Ms. Morrison stated their front door is on Calle del Paisano, as are the front doors of the other homes and that, as the street is only four houses long, traffic is minimal.

MS. MORRISON indicated plans to build a garage on the east side of the home, necessitating the request for the variance of an eight-foot front yard setback. She indicated that she had spoken with Mr. Siefert, City of Phoenix, who expressed support for the variance and acknowledged that the right-of-way on Sixty-Fourth Street was excessive.

MR. WAXMAN guided the Board Members through a “driving tour” of the neighborhood, pointing out the houses on the Phoenix side of Sixty-Fourth Street with approval from the City of Phoenix to do exactly what he and Ms. Morrison were requesting from the City of Scottsdale. He again referred to the excessive right of way on Sixty-Fourth Street and the resultant limitations placed on any logical remodel or expansion in that direction.

BOARD MEMBER SPRINGBORN-PITMAN inquired if the applicant had asked if Phoenix would vacate the right-of-way. Ms. Morrison responded that she had not asked that question.

(Chairman Vail opened public testimony)

BRAD BUTLER, 6412 Calle del Paisano, spoke in favor of agenda item 12-BA-2002. He stated that he was the neighbor to the east of the applicant’s property. Mr. Butler referred to Criteria No. Two and the option under current zoning to add a second story in lieu of the proposed expansion. He expressed strong opposition to the addition of a second story in a ranch style neighborhood and stated that his view would be entirely blocked. Mr. Butler also referred to Criteria No. Four and noted that the proposed remodel would improve and enhance the neighborhood. He added that the traffic on Calle del Paisano is very quiet.

DAVID FOGLER, 6322 E. Calle del Paisano, spoke in favor of the agenda item. He described the expansion as logical for the ranch style neighborhood and consistent with what others are doing. He noted the need for home revitalization in south Scottsdale and stated that the Waxman’s proposal would have a positive impact on the neighborhood.

CAROLINE COMO, 6332 Calle del Paisano, Phoenix, spoke in favor of the agenda item. She too expressed the view that a two-story structure would be completely out of character for the neighborhood. She related that Maricopa County, prior to the annexation by Phoenix, had given her an additional 14 feet of land for a pool, with no complaints from the City of Phoenix. She provided that as proof that the City of Phoenix is not planning to extend Sixty-Fourth Street over

the canal. Ms. Como also spoke to the issue of visibility and stated that Phoenix had measured the area and concluded that there were no visibility issues.

(Chairman Vail closed public testimony)

BOARD MEMBER PERICA commended the applicants on their presentation and the scope of the information provided. She stated, however, that she did not feel that the variance was compliant with Scottsdale's zoning ordinance and that because there were other violations in the area, there was not sufficient justification to continue with the violations. Board Member Perica also referred to Criteria One and noted that the special circumstances applying to the property, which do not apply to other properties, does not hold because the zoning setbacks apply to all of the properties in the area.

BOARD MEMBER GORALSKI also commended the applicant's presentation and job plans. She expressed concerns about Criteria One as well, and noted that eight-foot distance between the property line and the setback. She pointed out that although it has been indicated that Phoenix has no plans for Sixty-Fourth Street, the Board has no control over another city and cannot act in the light of such uncertainty.

CHAIRMAN VAIL expressed the view that Criteria One could apply to the particular area of homes that front on anything other than Sixty-Fourth Street due to the wide street. He also commented on the merits of the presentation and the driving tour. He remarked that he is philosophically opposed to altering front yard setbacks, but finds this neighborhood to be unique and representative of Scottsdale's character. He stated that the diligence in providing the plans and preserving the streetscape far outweighs the disadvantage of a front yard variance. Chairman Vail stated that he would support the variance request.

BOARD MEMBER WALSH stated that she had gone from one end of the spectrum to the other in making her determination, but in the end felt that the Board did not have the authority to give the applicants the right to use the easement by virtue of granting an eight-foot variance. She advised the applicants that she had been involved in a situation where the City of Phoenix had abandoned an entire street for improvement. She noted that the process had gone through relatively quickly, should the applicants wish to pursue that avenue as recourse.

BOARD MEMBER SPRINGBORN-PITMAN referred to the lengthy discussions regarding Sixty-Fourth Street and the proposed expansion. She pointed out the excessive right-of-way and lack of traffic in the area. She also commented on the fact that whether the area is defined as a front yard or not, it is in reality a side yard setback. She viewed the proposed expansion as consistent with the rest of the neighborhood and defined the special circumstances as the excessive right-

of-way. Board Member Springborn-Pitman indicated that the plans were a good use of the property and stated her support of the variance.

VICE CHAIR KUHSTOSS described the special circumstances presented as not being unique. She also stated that she felt Criteria Three had not been satisfied. She expressed concerns regarding the involvement of two jurisdictions in the process and stated that she was not entirely convinced that the bridge over Sixty-Fourth Street has been abandoned by Phoenix. Vice Chair Kuhstoss mentioned concerns about potential traffic issues on Sixty-Fourth Street, and stated that she would vote to deny the request.

BOARD MEMBER SANDS stated that after hearing the response, he agreed with Chair Vail and would vote in favor of the variance.

BOARD MEMBER SPRINGBORN-PITMAN MOVED TO APPROVE 12-BA-2002 TO ALLOW AN EIGHT-FOOT FRONT YARD SETBACK IN LIEU OF THE REQUIRED THIRTY-FOOT SETBACK. SHE STATED THAT HER MOTION WAS BASED UPON THE FOUR CRITERIA ADDRESSED EARLIER. SECOND BY BOARD MEMBER SANDS. THE MOTION FAILED TO PASS WITH BOARD MEMBERS VAIL, SANDS, SPRINGBORN-PITMAN VOTING "AYE" AND BOARD MEMBERS PERICA, GORALSKI, KUHSTOSS, AND WALSH VOTING "NAY".

MS. VILLALPANDO advised the Board that in order to deny the request, a motion and second for denial would have to be made.

VICE-CHAIR KUHSTOSS MOVED THAT THE BOARD DENY THE AFOREMENTIONED REQUEST. SECOND BY BOARD MEMBER PERICA. THE MOTION PASSED BY A VOTE OF FOUR (4) TO THREE (3), WITH BOARD MEMBERS KUHSTOSS, PERICA, GORALSKI, AND WALSH VOTING "AYE"; AND BOARD MEMBERS VAIL, SANDS, AND SPRINGBORN-PITMAN VOTING "NAY".

CHAIRMAN VAIL advised the applicants that their variance request had been denied, but that they had the option to appeal to the Maricopa County Superior Court.

With no further business to come before the Board, the regular meeting of the Board of Adjustment was adjourned at 7:20 p.m.

SCOTTSDALE BOARD OF ADJUSTMENT REPORT



To: BOARD OF ADJUSTMENT
From: CURRENT PLANNING SERVICES
Case: 3-BA-2003
Meeting Date: MAY 7, 2003

STAFF: KEITH NIEDERER

REQUEST: Appeal of Zoning Administrators decision of February 26, 2003 regarding the proposed construction of a driveway across Lot 10 for access to Lot 16 in the Carefree Ranch Homesteads Phase One subdivision without the presence of a main building on either lot.

LOCATION: 41114 and 41414 N. Brangus Road

APPLICANT/OWNER: Evans Kuhn & Associates Inc, applicant, Sherwin Scott, owner

CODE ENFORCEMENT ACTIVITY: None

PUBLIC COMMENT: Staff received a phone call from the property owner of Lot 9 asking where their lot was in relation to the subject lots. Staff faxed a map to the property owner and they appeared to have no objection to the request. Staff also received a phone call for general information from the president of the Carefree Ranch Homesteads.

ZONE: R1-190 ESL Single Family Residential District, Environmentally Sensitive Lands

CONTEXT: The subject properties are located within the far northern reaches of Scottsdale at 41114 and 41414 N. Brangus Road. These properties are located within the Carefree Ranch Homesteads subdivision. The Carefree Ranch Homesteads were last platted in September of 1979 and were annexed into the City of Scottsdale in July of 1984. The majority of the subdivision is zoned R1-190 ESL and the lot sizes start at five acres. The lot sizes of the subject parcels are 24.6 acres and 29.5 acres respectively. The land to the west of the sites is located within unincorporated Maricopa County and zoned Rural-190.

DISCUSSION:

This application is a request for an appeal of the Zoning Administrators decision dated February 26, 2003. On January 15, 2003, the applicant drafted a letter to the Zoning Administrator requesting approval to construct a private paved driveway and drainage structure (culvert) across the northeast portion of lot 10 and onto lot 16 of the Carefree Ranch Homesteads. There are no accompanying plans for the construction of a structure on either lot at this time.

The applicant has mentioned in a letter that it is necessary to route access to lot 16 across a portion of lot 10 due to the existing wash and steep inclines that occur on the east side of lot 16 or the west side of Brangus Road. Mr. Scott has entered into an agreement with the owners of lot 10, the Osadchuks, creating a private access easement that provides Mr. Scott with the right to construct and maintain a private drive, drainage structure and public and private utilities on that portion of lot 10. The only request before the City of Scottsdale at this time is to construct this private driveway and associated drainage structures on a portion of lot 10 and continue that

driveway onto lot 16 uphill to the future building pad location. There are currently no plans to construct a residence or structure on lot 10 or lot 16.

On February 26, 2003, the Zoning Administrator ruled that the construction of a driveway and culvert crossing could not occur until a main residence has been constructed on lot 10 and lot 16. The Zoning Administrator cites the following Sections from the Zoning Ordinance that apply to this situation:

Section 5.011: "This district (R1-190) is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto"...

Section 7.200.A.1: "No accessory building shall be constructed upon a lot unless the construction of the main building has been actually commenced."

The Zoning Administrator went on to say that the driveway and culvert crossing proposed on lot 10 and lot 16 are interpreted as being accessory uses to the main use of the property. Although it is not a building, it is an improvement that ordinarily is not needed unless a home is under construction.

On March 19, 2003, the applicant filed an appeal of the Zoning Administrators decision. Sections 1.202.B and 1.805 of the Scottsdale Zoning Ordinance gives an individual who is aggrieved by the decision of the Zoning Administrator an opportunity to appeal that decision before the Board of Adjustment.

Keith Niederer
Planner

ATTACHMENTS:

- A: Application Form
- B: Applicants Letter of Request for Interpretation
- C: Zoning Administrators Interpretation/Decision Letter
- D: Letter from Osadchucks Re: easement across lot 10
- E: Zoning Ordinance Excerpt Sec. 5.011
- F: Zoning Ordinance Excerpt Sec. 7.200.A.1
- G: Citywide Location Map
- H: Vicinity Aerial Photo
- I: Close-up Aerial Photo of lots 10 & 16
- J: Surrounding Subdivision Map
- K: Site Plan
- L: Zoning Map
- M: Site Photographs



PROJECT APPLICATION
COMMUNITY DEVELOPMENT
7447 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ 85251
(480) 312-7000 FAX (480) 312-7788

Note:
Coordinator signature
required prior to
submittal.

<input type="checkbox"/> GEN'L PLAN AMENDMENT	<input type="checkbox"/> MASTER SIGN PROGRAM
<input type="checkbox"/> REZONING	<input type="checkbox"/> LOT SPLIT
<input type="checkbox"/> PRELIMINARY PLAT	<input checked="" type="checkbox"/> VARIANCE <i>BOA</i>
<input type="checkbox"/> USE PERMIT	<input type="checkbox"/> ABANDONMENT
<input type="checkbox"/> DEVELOPMENT REVIEW	<input checked="" type="checkbox"/> OTHER <i>appeal of zoning admin. decision</i>

3-BA-2003

3-19-03

CASE # *3-19-03*

Q.S. _____

PROJECT # *26-PA-03*

APPLICANT FILL OUT BELOW			
PROJECT NAME <i>Sherwin Scott Access Road</i>		PROJECT LOCATION (ADDRESS) <i>41414 BARANUS</i>	
REQUEST <i>Appeal of Zoning Administrator's Decision</i>		CURRENT ZONING <i>R1-190 ESL</i>	
		PARCEL IN ACRES -- NET: <i>29.5</i> GROSS: <i>29.5</i>	
		BOOK, MAP, PARCEL: <i>219-47-059A</i>	
Current OWNER Name <i>SHERWIN SCOTT</i>	Street Address <i>777 EAST THOMAS #210</i>	Phone <i>602-230-0147</i>	
Company	City/State/Zip <i>PHOENIX AZ 85014</i>	FAX <i>602-265-8022</i>	
DEVELOPER Name <i>SAME</i>	Street Address	Phone	
Company	City/State/Zip	FAX	
ARCHITECT Name <i>NONE</i>	Street Address	Phone	
Company	City/State/Zip	FAX	
ENGINEER Name <i>EVANS KUHNS & ASSOC.</i>	Street Address <i>727 E BETHANY HOME</i>	Phone <i>602-241-0782</i>	
Company <i>JOHN J. GRAY PE</i>	City/State/Zip <i>D-225 PHOENIX AZ 85012</i>	FAX <i>602-248-9158</i>	
The owner shall designate either himself, or his architect, engineer, or agent as the coordinator for the project. This person will attend pre-application conferences, and will receive the agenda, recommendations and case reports. All contacts will be made for this project through the person named as coordinator below.			
APPLICANT/COORDINATOR NAME	Street Address <i>727 E. BETHANY HOME</i>	Phone <i>602-241-0782</i>	
Company <i>EVANS KUHNS & ASSOC</i>	City/State/Zip <i>D-225 PHOENIX AZ 85012</i>	FAX <i>602-248-9158</i>	
OWNER'S SIGNATURE		APPLICANT'S SIGNATURE <i>John Gray</i>	
PRINT NAME		PRINT NAME <i>SHERWIN SCOTT / Dwayne Osterweck</i>	
REPRESENTING		REPRESENTING	

OFFICIAL USE ONLY

YOUR STAFF COORDINATOR: *[Signature]*
THIS APPLICATION NEEDS A: ☒ NEW # OR ☐ OLD PROJECT #

(480) 312- *7059*

PRE APP DATE *7/4/03*

ATTACHMENT A

WHITE/FILE

YELLOW/APPLICANT



**Evans, Kuhn
& Associates, Inc.**

727 E. Bethany Home Rd.
Suite D225

Phoenix, AZ 85014

602-241-0782 phone

602-248-9158 fax

January 15, 2003

Mr. Jerry Stabley, Zoning Administrator
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Lot 16 of Carefree Ranch Homestead Estates
Petition to the Board of Adjustment
EKA #4813

Dear Mr. Stabley:

We are petitioning the Board of Adjustment to assist our client, Mr. Sherwin Scott, with plans for future development of a custom residence on a 29.5-acre site in Scottsdale, AZ. We are requesting a variance from the Ordinance that prohibits a landowner from obtaining a permit to construct a private drive to serve a property without accompanying plans for a structure on the property. We believe this request is justified, as this is an off-site improvement issue necessary to secure access to the property.

Mr. Sherwin Scott has owned the property at 41414 Barangus, Lot 16 of Carefree Ranch Homestead Estates, for approximately eight years. His property has frontage along the private roadway, Barangus, but access from the roadway is not possible along the lot frontage due to an existing wash and the steep inclines that exist. Mr. Scott is very concerned about assuring access to his lot and he has an opportunity to do it now. The plan is to develop an existing scar in the landscape that was created by a previous owner as a private drive to a cleared pad site. This path originates on an adjacent property. Mr. Scott wants to secure a method to cross the existing wash and access his property. There are no plans to construct a residence on the property in the immediate future.

The neighboring property has changed hands several times over the period of time that Mr. Scott has owned the property. The first owner was willing to assist in the process, but the necessary easements were not obtained at that time. The subsequent owner was uncooperative. The current Owners of the neighboring property, Dwayne and Tina Osadchuk are willing to grant the necessary easement. The following easement documents have been prepared and executed:

1. A private easement document was drawn up and executed by the Osadchuks. The easement addresses the right to construct and maintain a private drive, to construct and maintain an associated drainage structure, and to construct and maintain public and private utilities. The city required that it be a perpetual agreement. It also addresses rights, responsibilities and liabilities and is fully transferable to future successors and assigns. It is not the intent for this document to be a shared easement.
2. Easement to the city for public utilities.
3. Easement to the city for ingress and egress.
4. Easement to the city for drainage facilities.

**3-BA-2003
3-19-03**

ATTACHMENT B

5. Easement to the city for Emergency Vehicle Access
6. Easement to the city for Water Lines.

To date we have met and discussed the project with Gregg Williams and Peter Deeley of the City staff on several occasions and they have been most helpful. We understand that the difficulty is only that the City Ordinance that prohibits a landowner from obtaining a permit to construct a private drive to serve a property without accompanying plans for a structure on the property and not with the plan itself.

Again, we are requesting a variance from the Ordinance so that plans for the off-site private drive and drainage structures can be logged in for review. Our hope is that the Board of Adjustment will allow Development Services to review and permit the plans and record the necessary easements to accomplish this goal.

Please feel free to call if you have any questions regarding this matter.

Very truly yours,

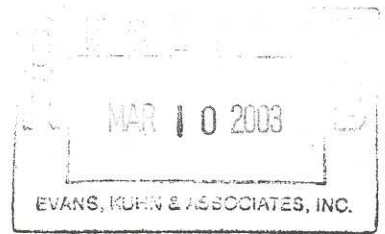
EVANS, KUHN AND ASSOCIATES, INC.



John J. Gray, P.E.
Project Manager



• "Most Livable City" U.S. Conference of Mayors •



February 26, 2003

Mr. John Kuhn
Evans Kuhn and Associates
727 E. Bethany Home Road
Suite D225
Phoenix, AZ 85014

Re: Sherwin Scott Residence @ 41414 Barangus (Lot 16 Carefree Ranch
Homesteads)

Dear Mr. Kuhn:

Thank you for providing information regarding your client's proposal to extend a driveway across lot 10 to access lot 16, both in the Carefree Ranch Homesteads Estates subdivision.

Your request to build this driveway cannot be approved before the main residence is constructed on lot 10 or 16. The language from the R1-190 district of the zoning ordinance that applies to this situation is as follows:


Section 5.011 - ... "The principal land use is single-family dwellings and uses incidental or accessory thereto"...

Section 7.200.A - "No accessory building shall be constructed upon a lot unless the construction of the main building has been actually commenced."

The driveway and culvert crossing is interpreted as being an accessory use to the main use of the property. Although it is not a building, it is an improvement that ordinarily is not needed unless a home is under construction. This interpretation applies to lot 10 because the box culvert and a portion of the paved driveway are located on this lot. This interpretation applies to lot 16 because of the paved driveway leading to the building site on this lot.

Staff is willing to review changes to the grade on the existing roadway scar that might provide for a more passable driving surface to reach the lot(s) along with the shared access agreement.

Sincerely,


Jerry Stabley
Zoning Administrator

3-BA-2003
3-19-03

Mar. 12. 2003 11:23AM

EVANS KUHN

No. 2159 p. 2/2

From: SCOTT ENTERPRISE

March 7, 2003

City of Scottsdale
7447 East Indian School Road
Scottsdale, Arizona 85251

RE: Sherwin Scott Residence
Lot 10 of Carefree Ranch Homesteads Phase One
41414 Barangus Scottsdale, Arizona

To whom it may concern:

This is to certify that we, Dwayne and Tina Osadchuk, as the legal owners of Lot 10 of Carefree Ranch Homesteads Phase One-Revision 4, as recorded in Book 216 of Maps, Page 8, records of Maricopa County, in the Southwest quarter of Section 18, Township 6 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, have entered into an agreement with our neighbor, Sherwin Scott and created a private access easement agreement with him.

The perpetual easement provides Mr. Scott with the right to construct and maintain a private drive, an associated drainage structure, and public and private utilities on a designated portion of our lot.

We are providing this letter as evidence that we are designating Mr. Scott and his engineer, Evans, Kuhn and Associates, Inc., to act upon our behalf in the negotiations with the City of Scottsdale to obtain permits for the project to provide serviceability to his lot. This will include applications to the DR Board, Board of Adjustment and Development Services Department and all issues associated with the need to provide an accessory use ahead of a primary use on the lot.

Feel free to call John J. Gray, P.E. of Evans, Kuhn and Associates, Inc. at 602-241-0782 with questions or comments on this matter.

Very truly yours,


Dwayne Osadchuk

cc:
Sherwin Scott

3-BA-2003
3-19-03

ARTICLE V. DISTRICT REGULATIONS

Sec. 5.010. R1-190 single-family residential district.

Sec. 5.011. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.012. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:

1. Accessory buildings, private swimming pools, home occupations and other accessory uses.
2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to thirty-five hundredths (0.35) multiplied by the net lot area.
 - b. Capacity: The maximum number of residents other than the manager or owner and/or day care clients at the home shall be ten (10).
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
3. Day care home.
4. Day care group home.
5. Dwelling units, single family.
6. Guest houses with cooking facilities, as an accessory use subject to the following criteria:
 - a. The minimum lot size shall be thirty-five thousand (35,000) square feet.
 - b. No more than one (1) per lot shall be permitted.
 - c. Parking shall be located behind the established front building line.
 - d. The square footage shall be no greater than one-half the square footage of the principal building.
7. Model homes.
8. Municipal uses.
- 8.1. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200;
9. Private tennis courts.
10. Public elementary and high schools.
11. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
12. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building

elevation of such front yards shall not exceed two (2) feet above the established street line elevation at the said intersecting streets.

Sec. 7.200. ADDITIONAL AREA REGULATIONS.

A. Accessory buildings. This section shall apply only to residential districts.

1. No accessory building shall be constructed upon a lot unless the construction of the main building has been actually commenced.
2. No accessory building shall be permitted in a required front or side yard.
3. Accessory buildings may be constructed in a rear yard, but such accessory buildings shall not occupy more than thirty (30) percent of a rear yard, except in R-5 multiple-family residential districts where the lot is used for multiple-family units, accessory buildings may occupy seventy-five (75) percent of the rear yard.
4. Accessory buildings shall not be constructed closer than two (2) feet to any side or rear lot line, except that accessory buildings within a required side or rear yard which are more than ten (10) feet in height shall be set back an additional one (1) foot for each foot of building height above ten (10) feet.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than fifteen (15) feet to the centerline of said alley, except that one (1) additional foot of setback shall be provided for each foot of building height above twelve (12) feet.
6. Accessory buildings used as a garage or carport having direct access from a street shall not be located closer than twenty (20) feet to the back of ultimate improvements, except that one (1) additional foot of setback shall be provided for each foot of building height above twelve (12) feet.

B. Projections into required yards of residential buildings. This section shall apply only to residential districts. Yards shall be open and unobstructed from the ground to the sky except for the following:

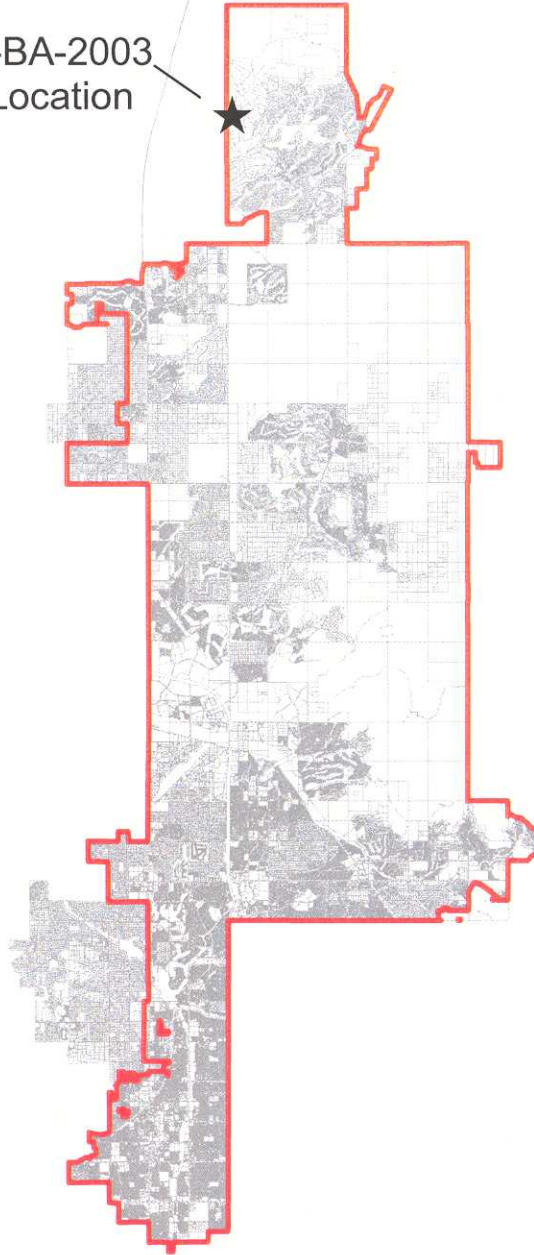
1. **Front Yards.**
 - a. Sills, belt courses, cornices, eaves, and ornamental features may project two (2) feet into the required yard.
 - b. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.
 - c. Balconies, stairs, covered porches may project four (4) feet into the required yard.
 - d. Canopies and awnings projecting over windows may extend into the required yard three (3) feet; however, a canopy extending from the main entrance to the sidewalk and not wider than the entrance may project to the front property line.
 - a. Chimneys may project two (2) feet into the required yard.
2. **Side Yards.**
 - a. Sills, belt courses, cornices, eaves, and ornamental features may project two (2) feet into the required yard.
 - b. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.
 - c. Balconies and stairs may project two (2) feet into the required yard, but not nearer than two (2) feet to the adjacent side property line.

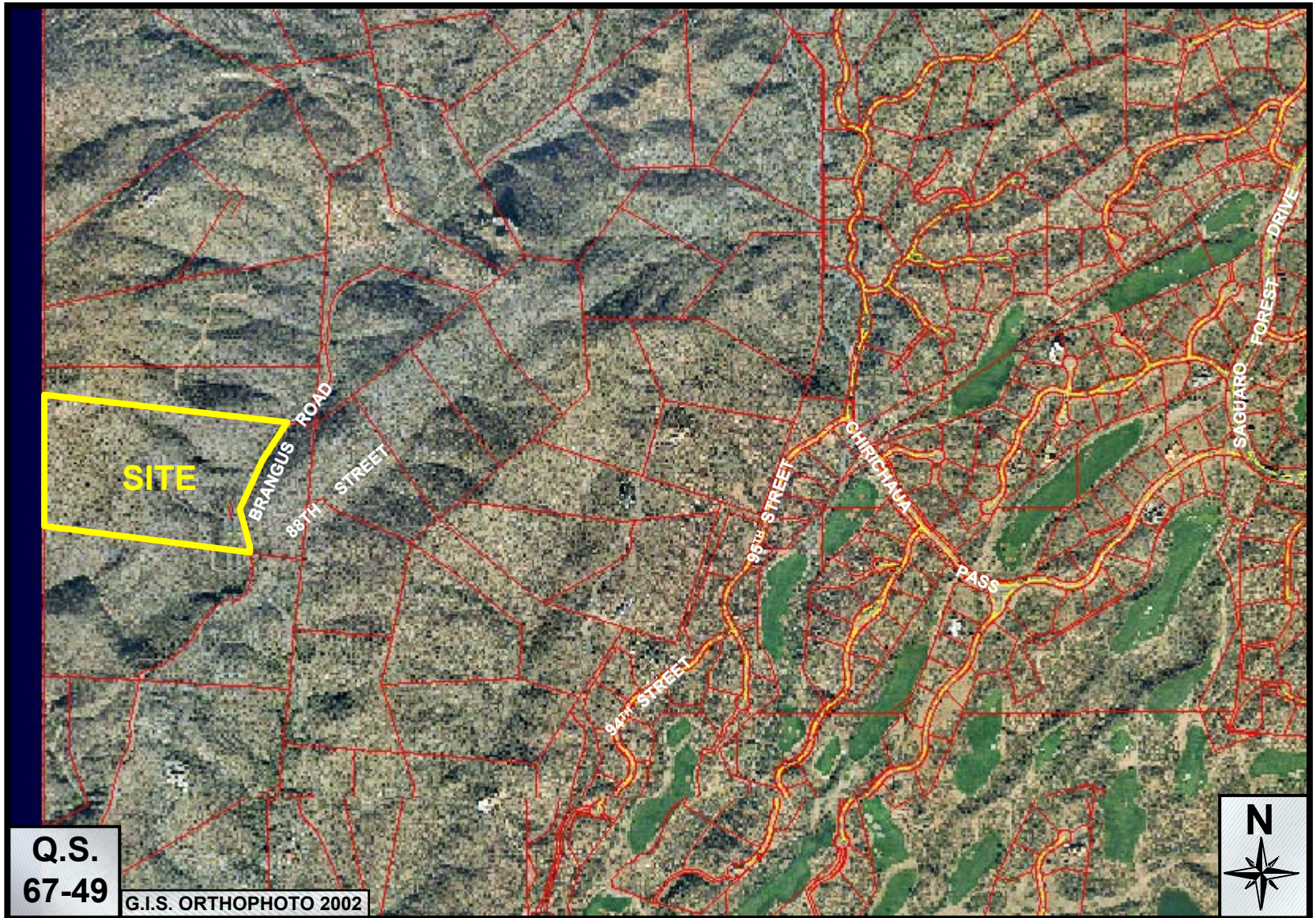
JENNY LYNN ROAD
 CIRCLE MOUNTAIN ROAD
 HONDA BOW ROAD
 ROCKAWAY HILLS ROAD
 DESERT HILLS DRIVE
 JOY RANCH ROAD
 STAGE COACH PASS
 CAREFREE HIGHWAY
 DOVE VALLEY ROAD
 LONE MOUNTAIN ROAD
 DIXILETA DRIVE
 DYNAMITE BOULEVARD
 JOMAX ROAD
 HAPPY VALLEY ROAD
 PINNACLE PEAK ROAD
 DEER VALLEY ROAD
 BEARDSLEY ROAD
 UNION HILLS ROAD
 BELL ROAD
 GREENWAY ROAD
 THUNDERBIRD ROAD
 CACTUS ROAD
 SHEA BOULEVARD
 DOUBLETREE RANCH RD.
 MOCKINGBIRD LANE /
 NORTHERN AVE
 INDIAN BEND ROAD
 LINCOLN DRIVE
 McDONALD DRIVE
 JACKRABBIT ROAD
 CHAPARRAL ROAD
 CAMELBACK ROAD
 INDIAN SCHOOL ROAD
 OSBORN ROAD
 THOMAS ROAD
 OAK STREET
 McDOWELL ROAD
 ROOSEVELT STREET
 (CONTINENTAL DRIVE)
 McKELLIPS ROAD
 (VAN BUREN STREET)

32ND STREET
 40TH STREET
 48TH STREET
 56TH STREET
 64TH STREET
 72ND STREET
 80TH STREET
 88TH STREET
 96TH STREET
 104TH STREET
 112TH STREET
 120TH STREET
 128TH STREET
 136TH STREET
 144TH STREET
 152ND STREET

3-BA-2003
 Location

32ND STREET
 40TH STREET
 48TH STREET
 56TH STREET
 64TH STREET
 (PINEGORDON RD.)
 72ND STREET
 (SCOTTSDALE RD.)
 80TH STREET
 (MILLER RD.)
 88TH STREET
 (GRANITE RESERVE RD.)
 96TH STREET
 (PIMA ROAD)

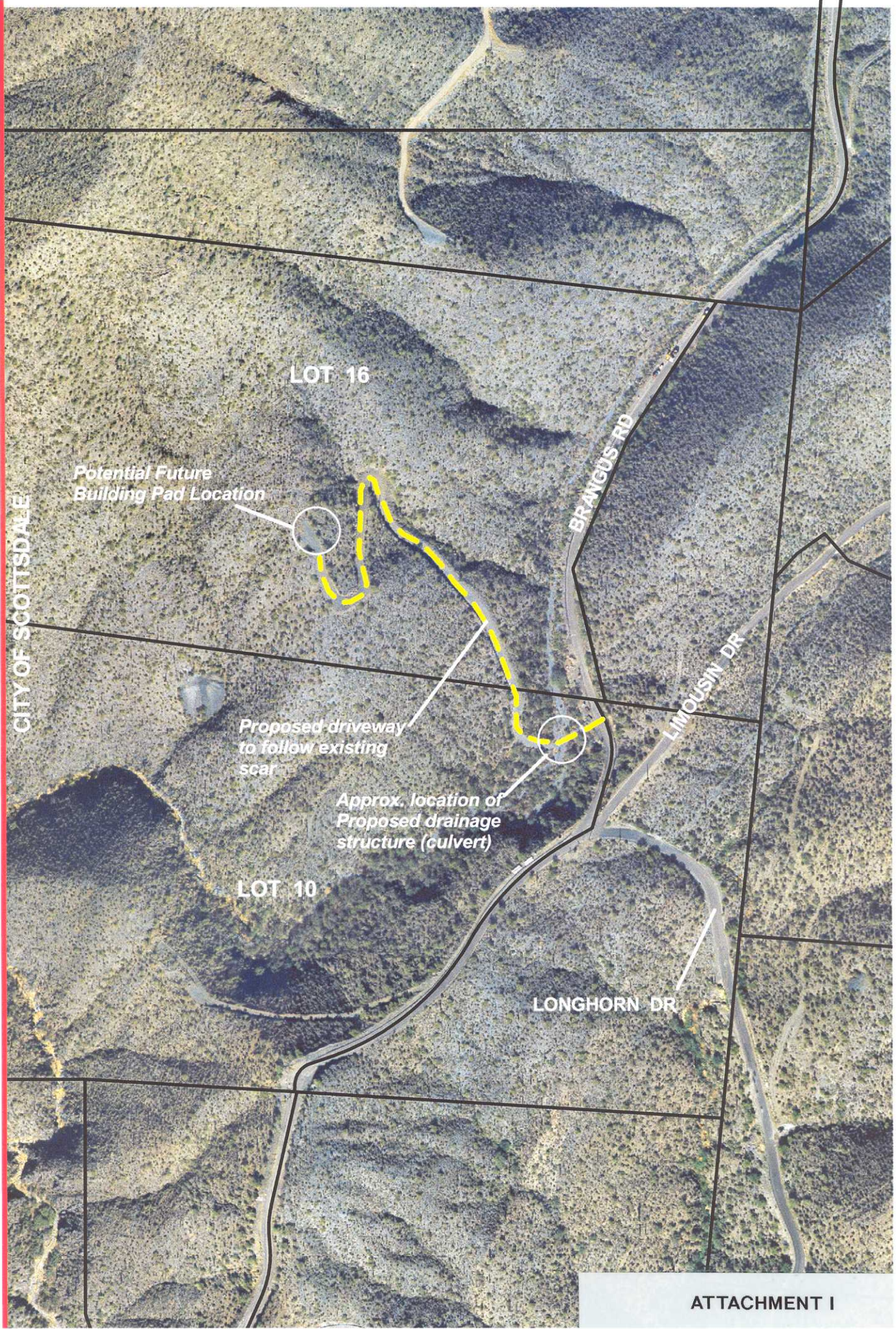




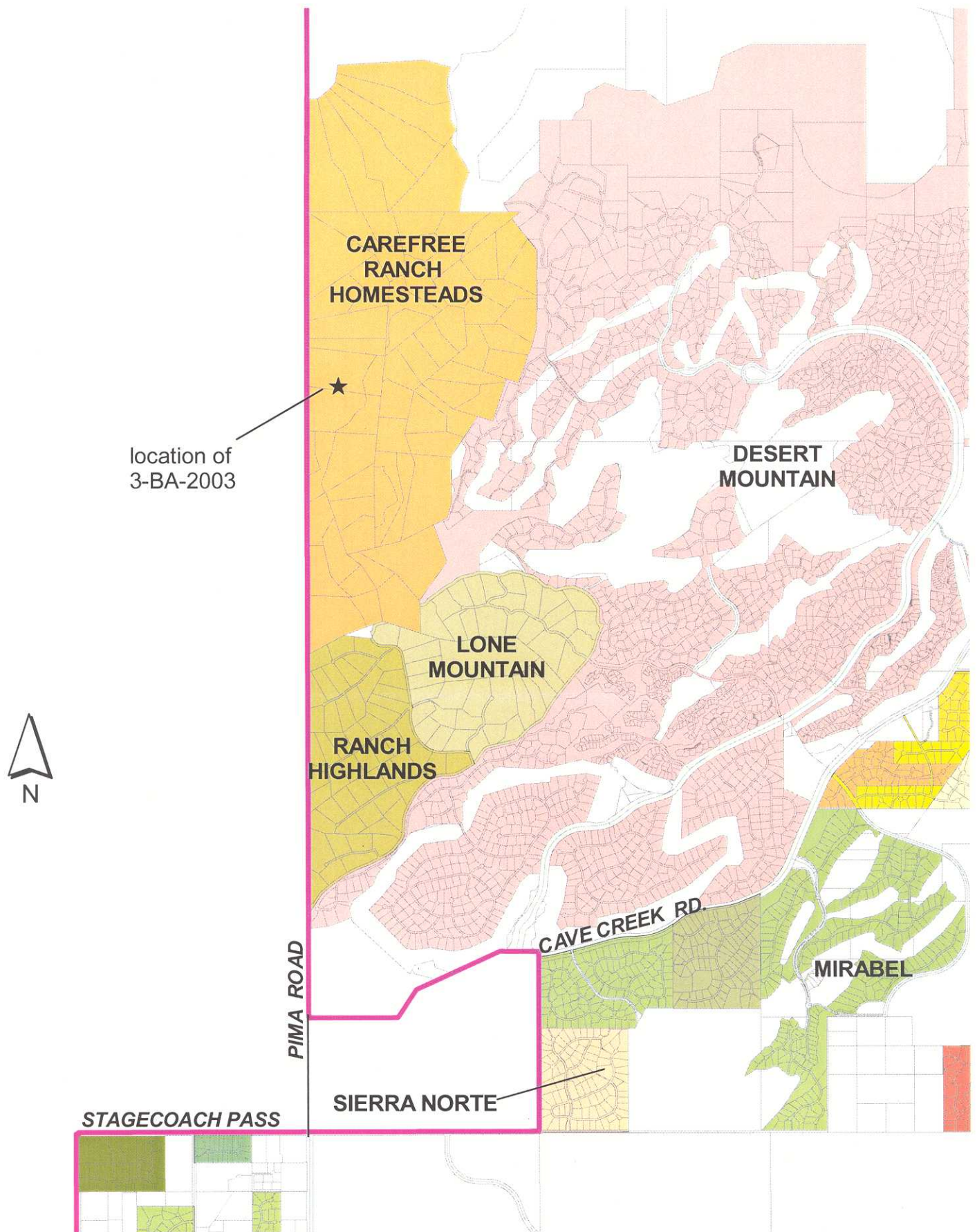
Scott Property

3-BA-2003

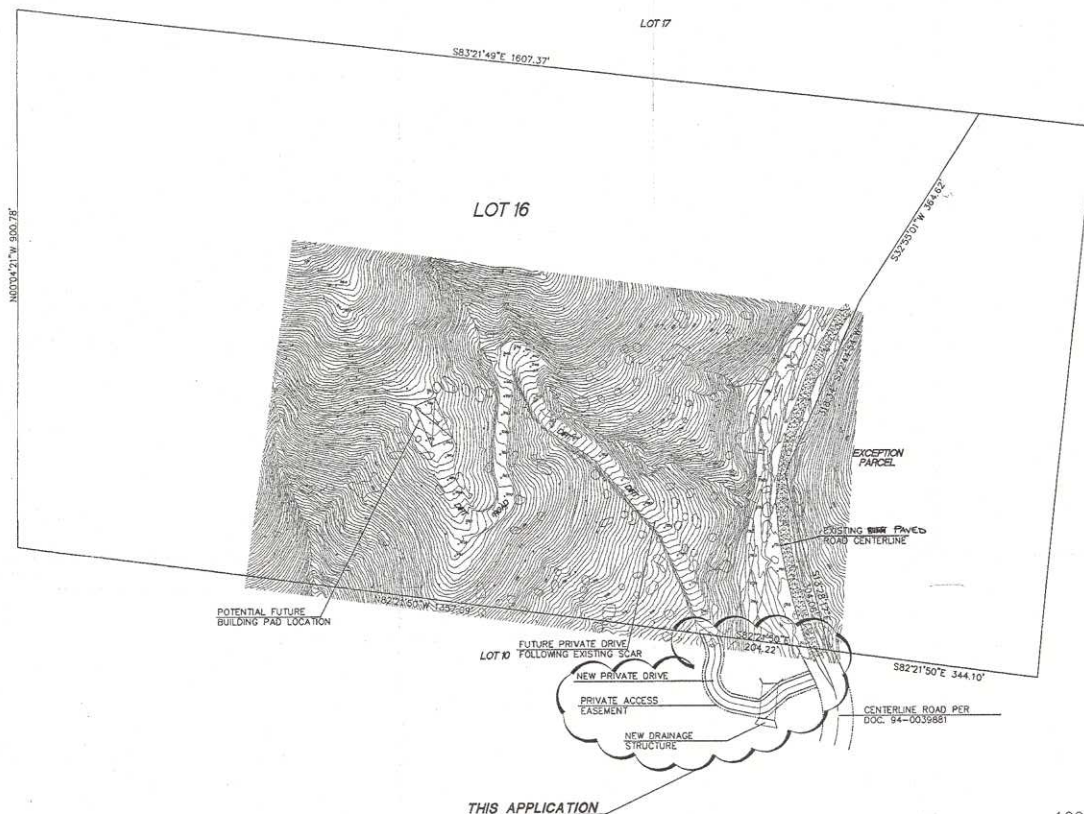
ATTACHMENT H



Surrounding Scottsdale Subdivisions

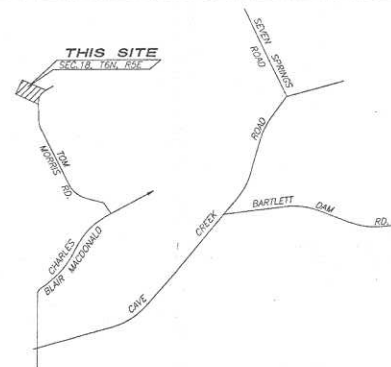


NOT TO SCALE. SEE NOTES. NORTH ARROW INDICATES TRUE NORTH.



LEGEND	
---	RANGE LINE
---	RIGHT OF WAY/PROPERTY LINE
1/2\"	SET 1/2\" REBAR TAGGED LS #22762
A.P.N.	ASSESSOR'S PARCEL NUMBER
REC.NO.	RECORDERS NUMBER
(R)	RECORD DATA
(C)	CALCULATED DATA
(M)	MEASURED DATA
BC	BRASS CAP
○	BUSH
●	TREE

CONCEPTUAL SITE PLAN
FOR A PORTION OF LOT 16, CAREFREE RANCH HOMESTEADS,
PHASE ONE REVISION 4, PER BOOK 216, PAGE 8 OF MARICOPA
COUNTY RECORDS.



VICINITY MAP
N.T.S.

OWNER/DEVELOPER

SCOTT ENTERPRISES, INC.
777 EAST THOMAS ROAD, SUITE 210
PHOENIX, ARIZONA 85014

ENGINEER/SURVEYOR

EVANS, KUHN & ASSOCIATES, INC.
727 E. BETHANY HOME ROAD, SUITE D-225
PHOENIX, ARIZONA 85014
(602) 241-0782

LEGAL DESCRIPTION (OF REMAINDER PARCEL)

LOT 16, CAREFREE RANCH HOMESTEADS PHASE ONE REVISION 4 PER BOOK 216, PAGE 8 OF MARICOPA COUNTY RECORDS.

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16;
THENCE ALONG THE SOUTH LINE, N 82°21'50\"/>

AREA (OF REMAINDER PARCEL)

GROSS=NET AREA = 1,264,813 SQ. FT. OR 28.0361 AC. (MORE OR LESS)

BASIS OF BEARINGS

N 00°04'21\"/>

FLOODPLAIN NOTE

THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE \"X\" AS DELINEATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP NO. 04013C0810P DATED SEPTEMBER 4, 1991. FLOOD ZONE \"X\" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.

ZONING

THIS SITE IS ZONED R1-190 ESL PER CITY OF SCOTTSDALE PLANNING DEPARTMENT. R1-190 = SINGLE FAMILY RESIDENCE, ESL = ENVIRONMENTALLY SENSITIVE LANDS.



Evans, Kuhn
& Associates, Inc.
727 E. Bethany Home Rd.
Phoenix, AZ 85014
602.241.0782 phone
602.246.9156 fax

CONCEPTUAL SITE PLAN
FUTURE SHERWIN SCOTT RESIDENCE

SCOTTSDALE ARIZONA

REVISIONS

NO.	DESCRIPTION

DRAWING STATUS

PRELIMINARY



DATE ISSUED

9/16/01

DESIGNED BY

JUC

DRAWN BY

JUC

CHECKED BY

JUC

PROJECT NO.

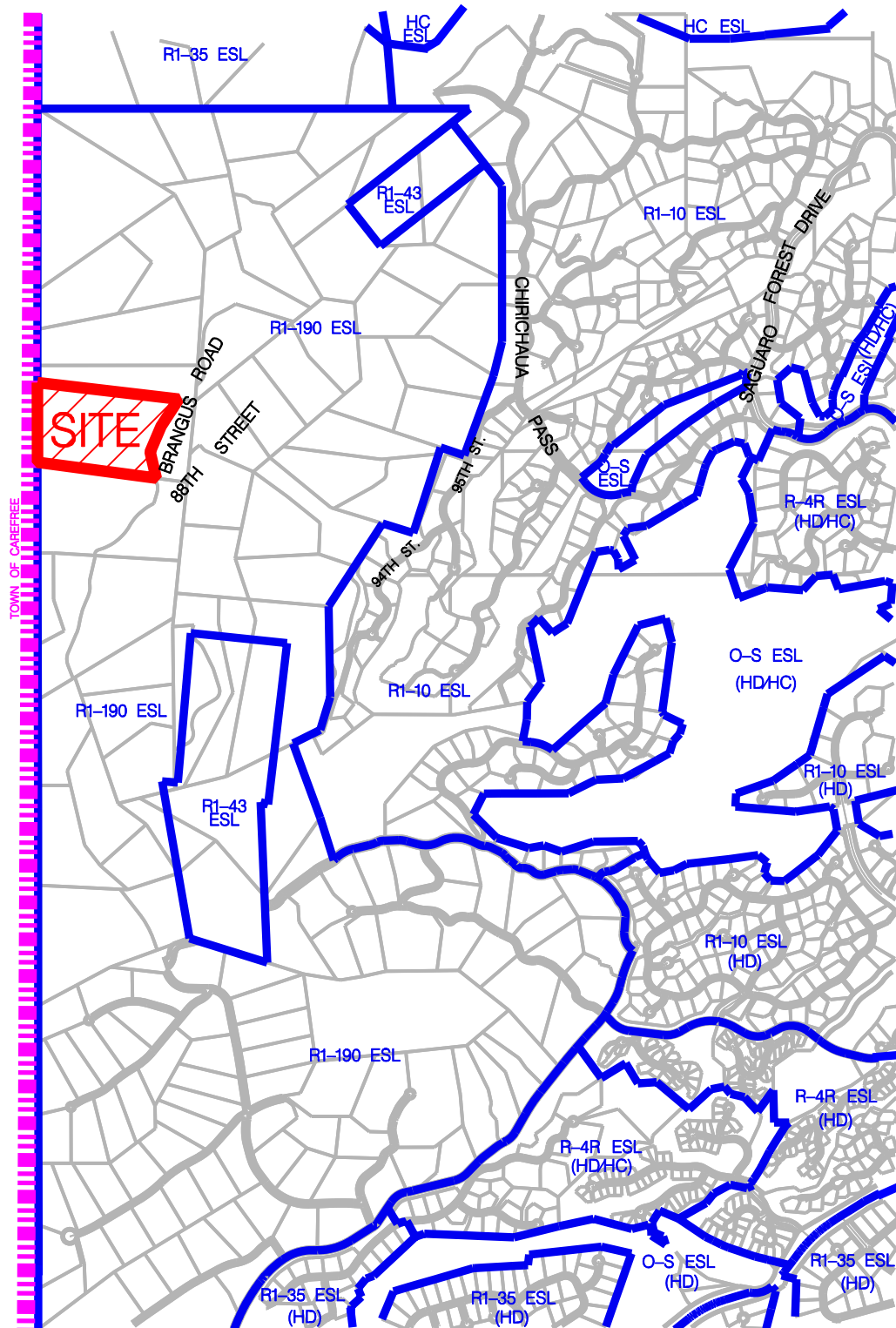
4813

DRAWING NO.

Sheet 1 of 1

3-BA-2003
3-19-03

ATTACHMENT K



3-BA-2003
ATTACHMENT L





PANORAMIC VIEW TO THE SOUTH FROM THE ROAD NEAR THE SITE



STREET SIGN ALONG THE ROAD TO THE NORTH

3-BA-2003
3-19-03

ATTACHMENT M



EXISTING GRADED PATH TO THE EXISTING PAD



EXISTING GRAVEL DRIVE FROM THE ROAD



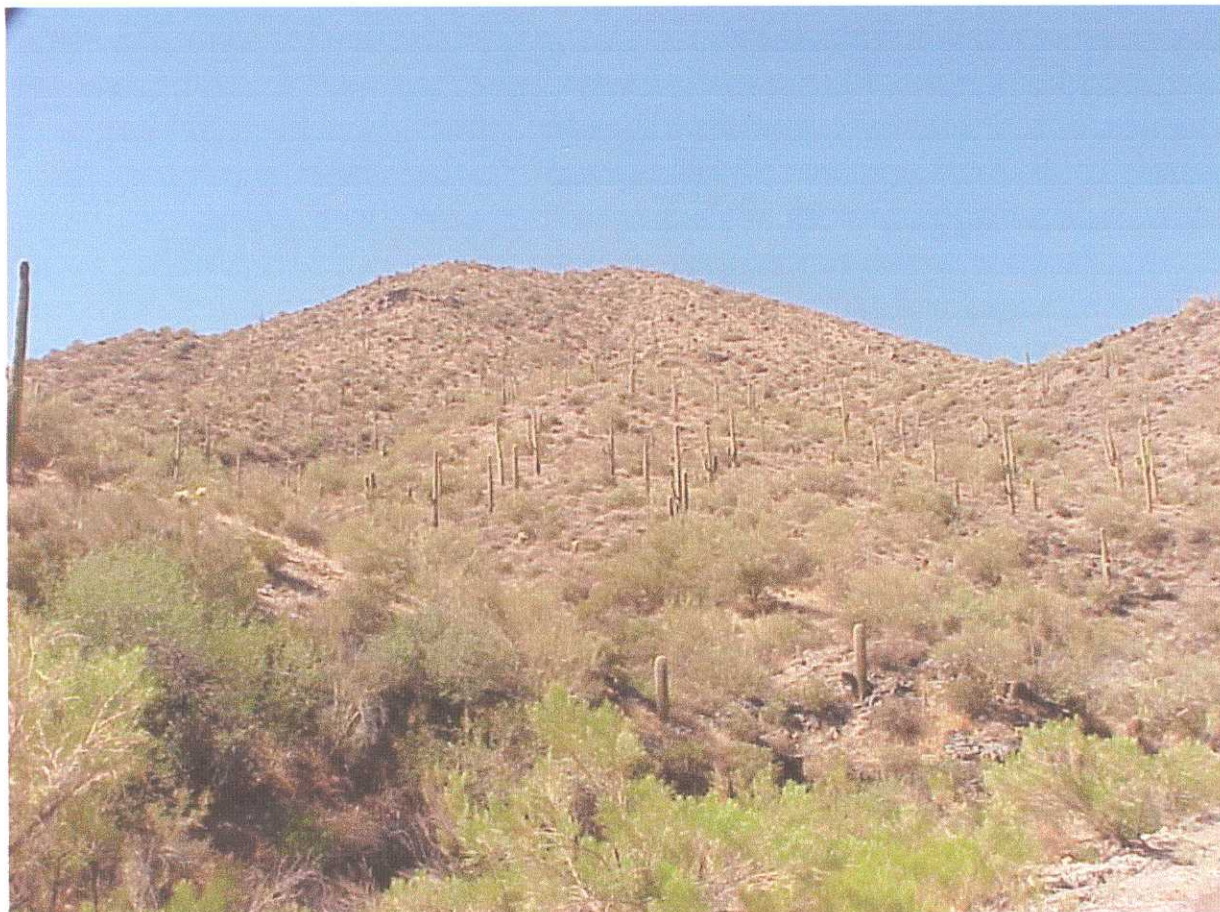
EXISTING GRAVEL DRIVE FROM THE ROAD



WASH LOOKING NORTHERLY



LOOKING UP TO THE PAD FROM THE WASH



FARTHER UP THE WASH, LOOKING NORTHERLY



ROAD LOOKING NORTHERLY



ROAD LOOKING SOUTHERLY



FARTHER UP AN ADJACENT ROAD LOOKING SOUTHERLY



EXISTING ABANDONED MINE SITE BELOW THE PAD



EXISTING PAD WITH ABANDONED MINE SITE BELOW



EXISTING PAD WITH WASH AND ROAD TO THE RIGHT



EXISTING ABANDONED MINE SITE ABOVE THE PAD



VIEW TO THE SOUTHEAST



VIEW TO THE SOUTHWEST



LOOKING NORTHERLY



EXISTING PAD WITH GRADED DRIVE TO THE RIGHT



A LOOK AT THE WASH FROM ABOVE WITH EXISTING PAD TO THE LEFT



A LOOK AT THE WASH FROM ABOVE



ANOTHER LOOK AT THE WASH FROM ABOVE